

Exhibit 3

Declaration of Silsa Cabezas

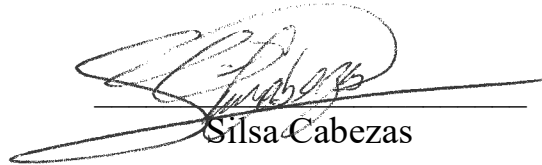
Declaration of Silsa Cabezas

I, Silsa Cabezas, declare the following is true and correct to the best of my current knowledge and belief:

1. I am a paralegal working for Neil Ende at Technology Law Group.
2. On September 7, 2023, Mr. Ende asked me to file a pro hac vice application and a Motion for Extension of Time in the Arizona case involving Avid Telecom.
3. Although I have prepared and filed many pro hac vice applications and pleadings through the Pacer system, this was the first time that I have done so in Arizona federal court.
4. At approximately 9:45 PM EDT on September 7, 2023, I went into the system and uploaded the pro hac vice application and the Motion for Extension of Time in a manner that appeared to be consistent with all known or described procedures.
5. Shortly thereafter, Mr. Ende told me that he received emails confirming the payment of the pro hac application fee as well as of the filing of the Motion for Extension of Time. True and correct copies of these emails are attached in Exhibit A to this Declaration. I did not receive an error message or the like advising that the Motion would not be docketed in the main case until Mr. Ende's pro hac vice application was granted. At that time, I had no reason to believe that there had been an error in either of the filings or that there would be an issue with the proper docketing of those filings in the Pacer system.
6. The following day, I first learned that the Motion to Dismiss did not appear in the complaint docket file. Promptly at 9:00 PDT, Mr. Ende and I made calls to the Judge's chambers, the clerk's office and, ultimately, to the pro hac vice application office. The clerk in the pro hac vice office was able to track down the filing we had made. She told us that both the pro hac vice application and the Motion to Dismiss had been placed into the pro hac vice docketing system because this was the first pleading that Mr. Ende had filed and thus his name had yet to be in the case docketing system. She told us that she had granted the pro hac vice application and that we could

now refile the Motion for Extension of Time and that it would be properly docketed in the case docketing system.

7. Promptly thereafter, I refiled the Motion for Extension of Time, along with a request for acceptance nunc pro tunc, in the case docket.



Silsa Cabezas

Dated: September 14, 2023

Exhibit A

Silva Cabezas

From: Neil Ende
Sent: Thursday, September 14, 2023 4:05 PM
To: Silva Cabezas
Subject: FW: Pay.gov Payment Confirmation: ARIZONA DISTRICT COURT

Best. . . .

Neil S. Ende
Managing Partner
Technology Law Group, LLC
202.895.1707 (Office)
703.237.3833 (Home-Office)
202.256.0120 (Mobile)
202.573.9119 (google voice-find me)
703.229.6741 PIN 854# (TLG Dedicated Conference Bridge)
nende@tlgdc.com



Martindale-Hubbell®



Martindale-Hubbell Profile: <https://www.martindale.com/washington/district-of-columbia/neil-s-ende-352742-a/>
LinkedIn Profile: <https://www.linkedin.com/in/neilende>
Join the [Telecom Law Center](#) on LinkedIn

Set an Appointment with Neil:

<https://outlook.office365.com/owa/calendar/NeilSEndeTechnologyLawGroupCalendar@tlgdc.com/bookings/>

ATTORNEY-CLIENT PRIVILEGE/CONFIDENTIALITY NOTICE: This message and any attachments may contain confidential information and may be ATTORNEY CLIENT PRIVILEGED AND/OR constitute ATTORNEY WORK PRODUCT and should not be shared with third parties. This message is intended exclusively for the named recipient(s) as identified in the "To" line. If you are not a named recipient and have received this message and attachments, do not read the contents and do not share them with any third party. We ask that you notify the sender of the erroneous delivery immediately by reply email and that you promptly delete this message and all attachments from your system.

Please consider the environment before printing this email.

From: do_not_reply@psc.uscourts.gov <do_not_reply@psc.uscourts.gov>
Date: Thursday, September 7, 2023 at 9:54 PM
To: Neil Ende <nende@tlgdc.com>
Subject: Pay.gov Payment Confirmation: ARIZONA DISTRICT COURT

Your payment has been successfully processed and the details are below. If you have any questions or you wish to cancel this payment, please contact: Help Desk at 602-322-7200.

Account Number: 2693510

Court: ARIZONA DISTRICT COURT

Amount: \$100.00

Tracking Id: AAZDC-22279157

Approval Code: 153527

Card Number: *****1004

Date/Time: 09/07/2023 09:54:35 ET

NOTE: This is an automated message. Please do not reply

Pro Hac Vice Application

U.S. District Court

DISTRICT OF ARIZONA

Notice of Electronic Filing

The following transaction was entered by Ende, Neil on 9/7/2023 at 6:55 PM MST and filed on 9/7/2023

Case Name: Plaintiff v. Defendant

Case Number: [2:23-ph-99909](#)

Filer:

Document Number: [30](#)

Docket Text:

New Pro Hac Application submitted. Application fee received: \$ 100, receipt number AAZDC-22279157. Attorney: Neil S. Ende, Case: 4:23-cv-00233-EJM. (Ende, Neil)

No public notice (electronic or otherwise) sent because the entry is private

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=9/7/2023] [FileNumber=25034120-0]
] [4b3ff5d635e4c69c3761dec2abc1dbf7dc06522bae96ae9f8d93bcf3d7bc6446cd3
ae7e11cf6f48c5bd51cfa0b5f15dc58504a3737eb2ed08e6f110eed759d9b]]

Document description:Attachment Certificate of Good Standing

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=9/7/2023] [FileNumber=25034120-1]
] [00065fa96680be712a476250d84a353a27f90555316526f759ef4df1e2b1b9e880b
592d6a31dd36dc4709d148c58de006b59ba21312cf0c42b83fb8e23c9b846]]

Document description:Attachment Defendants' Motion for Extension of Time (As Filed 9-7-23)

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1096393563 [Date=9/7/2023] [FileNumber=25034120-2]
] [872aef68e7ee4a497566713a83c2a8b9316f4cf7320a71b98bd7e24747e50ea870c
d4853658078a4c5bfd8bf9b62854d61d3e29d37813833ab514eafe0f7c57a]]

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

State of Arizona, ex rel. Kristin K. Mayes, Attorney
General; State of Alabama ex rel. Attorney General Steve

Plaintiff(s)/Petitioner(s),

vs.

Michael D. Lansky, L.L.C., dba Avid Telecom, an Arizona
limited liability company;

Michael D. Lansky, individually as a Member/

Defendant(s)/Respondent(s)

CASE NO: 4:23-cv-00233-EJM

**Application of Attorney For Admission To Practice Pro Hac
Vice Pursuant to LRCiv 83.1(b)(2)**

NOTICE: APPLICATION FEE REQUIRED!

I, Neil S. Ende, hereby apply to the Court under LRCiv 83.1(b)(2) for pro hac vice
admission to appear and practice in this action on behalf of Avid Telecom, LLC.

City and State of Principal Residence: McLean, Virginia

Firm Name: Technology Law Group, LLC

Address: 5335 Wisconsin Avenue, N.W. **Suite:** 440

City: Washington **State:** DC **Zip:** 20015

Firm/Business Phone: (202) 897-177

Firm Fax Phone: (202) 478-5074

E-mail Address: nende@tlgdc.com

I am admitted to practice before the following courts. (attach additional sheets if necessary)

TITLE OF COURT	DATE OF ADMISSION	IN GOOD STANDING?	
District Court for the District of Columbia	02/01/1982	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No*
District of Columbia Court of Appeals	12/19/1980	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No*
		<input type="checkbox"/> Yes	<input type="checkbox"/> No*

* Explain:

(An **Original** Certificate of Good Standing from a **FEDERAL BAR** in which an applicant has been admitted dated no more than 45 days prior to submission of this application is required.)

I have concurrently, or within 1 year of this application, made *pro hac vice* applications to this Court in the following actions (attach additional sheets if necessary):

Case Number	Title of Action	Date Granted or Denied*

* Explain:

ALL APPLICANTS ARE REQUIRED TO ANSWER THE FOLLOWING QUESTIONS.

If you answer YES to either of the following questions, please explain all circumstances on a separate page.

Are you currently the subject of a disciplinary investigation or proceeding by any Bar or Court?

☐ Yes ☒ No

Have you ever been disbarred from practice in any Court?

☐ Yes ☒ No

I declare under penalty of perjury that the foregoing is true and correct; that I am not a resident of, nor am I regularly employed, engaged in business, professional or other activities in the State of Arizona; and that I am not currently suspended, disbarred or subject to disciplinary proceedings in any court. I certify that I have read and will ascribe to the Standards for Professional Conduct, will comply with the Rules of Practice of the United States District Court for the District of Arizona ("Local Rules"), and will subscribe to receive court notices as required by LRCiv 83.1(c).

09/07/2023

Neil S. Ende

Date

Signature of Applicant

Fee Receipt # _____

**United States District & Bankruptcy Courts
for the District of Columbia
CLERK'S OFFICE
333 Constitution Avenue, NW
Washington, DC 20001**

I, **ANGELA D. CAESAR**, Clerk of the United States District Court
for the District of Columbia, do hereby certify that:

NEIL S. ENDE

was, on the 1st day of February A.D. 1982 admitted to
practice as an Attorney at Law at the Bar of this Court, and is, according to
the records of this Court, a member of said Bar in good standing.

In Testimony Whereof, I hereunto subscribe my name and affix the seal of
said Court in the City of Washington this 7th day of March
A.D. 2023.

ANGELA D. CAESAR, CLERK

By: Burnetta Jenkins
Deputy Clerk

Neil S. Ende, Esq.
nende@tlgdc.com
 Technology Law Group, LLC
 5335 Wisconsin Avenue,
 NW, Washington, DC 20015
 Telephone: (202) 895-1707
 Facsimile: (202) 478-5074
 Attorneys for Michael D. Lansky,
 Michael D. Lansky, LLC dba Avid Telecom

**UNITED STATES DISTRICT COURT
 DISTRICT OF ARIZONA**

State of Arizona, ex rel. Kristin K. Mayes,) Case No. 4:23-cv-00233-EJM
 Attorney General; State of Alabama ex rel.)
 Attorney General Steve Marshall; State of)
 Arkansas, ex rel. Tim Griffin; People of the) **DEFENDANTS' MOTION FOR**
 State of California ex rel. Rob Bonta,) **EXTENSION OF TIME**
 Attorney General of California; State of)
 Colorado, ex rel. Philip J. Weiser, Attorney)
 General; State of Connecticut; State of)
 Delaware ex rel. Kathleen Jennings, Attorney)
 General of the State of Delaware; District of)
 Columbia; Office of the Attorney General,)
 State of Florida, Department of Legal Affairs;)
 State of Georgia, ex rel. Christopher M. Carr,)
 Attorney General of the State of Georgia;)
 State of Hawaii; State of Idaho, through)
 Attorney General Raúl R. Labrador; People)
 of the State of Illinois; State of Indiana; State)
 of Iowa ex rel. Brenna Bird, Attorney General)
 of Iowa; State of Kansas; Commonwealth of)
 Kentucky; State of Louisiana; State of Maine;)
 Maryland Office of the Attorney General;)
 Commonwealth of Massachusetts; People of)
 the State of Michigan; State of Minnesota, by)
 its Attorney General, Keith Ellison; State of)
 Mississippi *ex rel.* Attorney General Lynn)
 Fitch; State of Missouri, *ex rel.* Andrew)
 Bailey, Attorney General; State of Montana;)
 State of Nebraska, *ex rel.* Michael T. Hilgers,)
 Attorney General; State of Nevada; State of)
 New Hampshire; State of New Jersey; State)
 of New Mexico, *ex rel.* Raúl Torrez, Attorney)
 General; People of the State of New York, by)
 Letitia James, Attorney General of the State)
 of New York; State of North Carolina, *ex rel.*)
 Attorney General Joshua H. Stein; State of)
 North Dakota, *ex rel.* Drew H. Wrigley,)
 Attorney General; State of Ohio *ex rel.*)

Attorney General Dave Yost; State of
Oklahoma *ex rel.* Attorney General Gentner
Drummond; State of Oregon, *ex rel.* Ellen F.
Rosenblum, Attorney General for the State of
Oregon; Commonwealth of Pennsylvania, by
Attorney General Michelle A. Henry; State of
Rhode Island; State of South Carolina *ex rel.*
Attorney General Alan Wilson; State of
Tennessee; State of Texas; Utah Division of
Consumer Protection; State of Vermont;
Commonwealth of Virginia, *ex rel.* Jason S.
Miyares, Attorney General; State of
Washington; State of West Virginia *ex rel.*
Patrick Morrissey, Attorney General; State of
Wisconsin; and State of Wyoming,

Plaintiffs,

v.

Michael D. Lansky, L.L.C., dba
Avid Telecom, an Arizona
limited liability company;

Michael D. Lansky, individually
as a Member/ Manager/Chief
Executive Officer of Michael D.
Lansky, L.L.C., dba Avid
Telecom; and

Stacey S. Reeves, individually as
a Manager/Vice President of
Michael D. Lansky, L.L.C., dba
Avid Telecom,

Defendants.

MOTION FOR EXTENSION OF TIME

Defendants Michael D. Lansky, LLC, Michael D. Lansky, and Stacey S. Reeves
("Defendants"), pursuant to Local Rule 7.3, respectfully move the Court for an additional 30-day
extension to answer or otherwise respond to Plaintiffs' complaint. Defendants request this
extension to continue to exchange information with Plaintiffs and engage in settlement or

1 compromise discussions with Plaintiffs. Defendants have been engaged in good faith efforts to
2 informally supply Plaintiffs with information they requested, which discussions are on-going.
3 Defendants have requested consent from the Plaintiffs, but Plaintiffs indicated this evening that
4 they refused consent. In further support of their motion, Defendants state:

- 5 1. On or about May 23, 2023, Plaintiffs filed their complaint.
- 6 2. Defendants, by counsel, returned the Waiver of Service of Summons to Plaintiffs on June
7 13, 2023 (Reeves) and June 20, 2023 (Lansky, Lansky LLC and Avid).
- 8 3. Defendants' original deadline to answer or otherwise respond to Plaintiffs' complaint was
9 July 24, 2023. By unopposed motion, the Court extended Defendants' answer deadline to
10 September 7, 2023, which time has not expired.
- 11 4. Since the filing of Plaintiffs' complaint and the original extension, the parties have been
12 engaged in early discussions about a potential resolution of Plaintiffs' claims.
- 13 5. On or about July 17, 2023, Defendants sent Plaintiffs a details response to the allegations
14 in Plaintiffs' complaint.
- 15 6. On July 19, 2023, Defendants' counsel met with certain of Plaintiff's counsel in an effort
16 to discuss Plaintiffs' claims and various factual allegations Defendants believe were false.
- 17 7. On July 19 2023, Plaintiff sent Defendants a request for five categories of documents to
18 evaluate Defendants' claims and to begin discussions about an informal resolution.
- 19 8. Over the following weeks, Defendants compiled responsive documents.
- 20 9. On July 28, 2023, Defendants' counsel requested entry of the Court's standard Protective
21 Order to govern the exchange of information in this case.
- 22 10. On July 31, 2023, Plaintiffs' counsel responded that they "would be willing to move
23 forward with a protective order that would cover the litigation as a whole."
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- 1 11. On August 2, 2023, Defendants’ counsel requested an update on Plaintiffs’ preparation of
2 a standard Protective Order.
- 3 12. On August 2, 2023, Plaintiffs’ counsel responded that “[w]e are in the process of drafting
4 a PO and will circulate that to you when we are able.”
- 5 13. On August 8, 2023, Plaintiffs’ counsel suddenly stated that they would refuse entry of a
6 standard Protective Order in this case. Plaintiffs’ counsel stated that “[s]everal states
7 raised concerns regarding the Court’s standard protective order, which will require
8 additional consideration before we are ready to negotiate and file a protective order that
9 will govern this litigation.”
- 10 14. Over the following days, Defendants’ counsel sought assurance from Plaintiffs’ that
11 documents and information Defendants produced would be treated as confidential, not
12 shared with any third party, and returned or destroyed following the conclusion of
13 settlement talks.
- 14 15. Plaintiffs refused to agree to these standard confidentiality protections.
- 15 16. Nevertheless, Defendants agreed to move forward with their document production
16 without a Protective Order in order to avoid further delay.
- 17 17. On August 21, 2023, Defendants produced documents responsive to various of Plaintiffs’
18 requests.
- 19 18. Plaintiffs did not comment upon or make any response to Defendants’ initial production.
- 20 19. On August 31, 2023, Defendants’ counsel indicated they would be making an additional
21 supplemental production.
- 22 20. On August 31, 2023, Plaintiffs’ counsel responded as follows: “Thank you for letting us
23 know and we look forward to receiving the second production. If you’d like to set up a
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1 call to discuss the production sent to-date, we will need additional time after receiving the
2 second batch of documents to complete a preliminary review. We can get back to you
3 about setting up a call after that time so that we can be better positioned to have a more
4 productive conversation.”

5 21. On September 7, 2023, Defendants indicated their second production would be make
6 tomorrow (September 8) and requested consent to an additional 30-day extension.

7 22. On September 7, 2023, Plaintiffs responded as follows: “We cannot agree to your last-
8 minute request for another extension. Based on Defendants’ general lack of
9 responsiveness and the content of the limited production we have received and reviewed
10 so far, we have no reason to believe that Defendants are interested in resolving this matter
11 by agreement within the next thirty days. Thus, we would object to any extension request
12 and any statement to the Court that represents that a further delay is warranted because
13 the parties are engaged in negotiations.”

14 23. Plaintiffs’ refusal to consent to this extension was Defendants’ first notice that Plaintiffs
15 believed Defendants’ efforts were not in good faith or were lacking in responsiveness.

16 24. Defendants have not have an opportunity to understand Plaintiffs’ concerns. Defendants
17 reasonably believe that a 30-day extension to Defendants’ answer deadline will help
18 facilitate their on-going discussions so that the parties can determine if the case can be
19 resolved or if the parties will need to litigate these claims. Defendants also require time
20 to prepare their Answer and/or response.

21 25. If granted, the Defendants’ new deadline to answer or otherwise respond to Plaintiffs’
22 complaint will be October 9, 2023.
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1 WHEREFORE, Defendants Michael D. Lansky, LLC, Michael D. Lansky, and Stacey S.
2 Reeves respectfully request that the Court extend the deadline for Defendants to answer or
3 otherwise respond to Plaintiffs' complaint by 30 days until October 9, 2023.
4

5 RESPECTFULLY SUBMITTED on September 7, 2023.

6 

7 Neil S. Ende, Esq. (Pro Hac Vice Pending)
8 nende@tlgdc.com
9 Technology Law Group, LLC
10 5335 Wisconsin Avenue,
11 NW, Washington, DC 20015
12 Telephone: (202) 895-1707
13 Facsimile: (202) 478-5074

14 *Attorneys for Michael D. Lansky, Michael D.*
15 *Lansky, LLC dba Avid Telecom*
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CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I electronically filed the foregoing Defendants' Unopposed Motion for Extension of Time and Proposed Order with the Clerk of the Court using the CM/ECF system, which will send notification of filing to all registered parties.

